

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN A. GADEKAN, for himself)
and as Personal Representative of)
Lola Gadeken Estate, Arnold W.)
Gadeken Estate, Arnold W. Gadeken)
Residuary Trust,)

Plaintiff,)

v.)

UNITED STATES DEPARTMENT)
OF AGRICULTURE, et al.,)

Defendants.)

4:12CV3208

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On December 3, 2012, the court issued a Memorandum and Order requiring Plaintiff to retain counsel by January 29, 2011. (Filing No. [5](#).) In doing so, the court warned Plaintiff that if he failed to retain counsel, this case will be dismissed without prejudice and without further notice for failure to state a claim upon which relief may be granted. (*Id.*)

On December 19, 2012, Plaintiff filed a Motion for Reconsideration, which the court denied. (Filing Nos. [6](#) and [7](#).) Thereafter, Plaintiff requested two extensions of time to retain counsel. (Filing Nos. [8](#) and [10](#).) The court granted both requests for extension of time to retain counsel, but warned Plaintiff that no further extensions of time would be granted. (*See* Filing Nos. 9 and 11.) Pursuant to the extensions, Plaintiff had until May 14, 2013, to retain counsel. (*Id.*)

The court's May 14, 2013, deadline has now passed and Plaintiff has not retained counsel. (*See* Docket Sheet.) Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff Complaint is dismissed without prejudice for failure to comply with this court's orders and for failure to state a claim upon which relief may be granted.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 24th day of May, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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